

Chapter 9

FOOD AND FOOD PRODUCTS*

* **Cross References:** Garbage, refuse and litter, Ch. 10; health, Ch. 11.

Art. I. In General, §§ 9-1--9-15

Art. II. Food-handling Facilities, §§ 9-16--9-35

ARTICLE I.

IN GENERAL

Secs. 9-1--9-15. Reserved.

ARTICLE II.

FOOD-HANDLING FACILITIES*

* **State Law References:** General food standards, M.S.A., Ch. 90; pure food laws, Ch. 91; food defined, § 12.872; adulteration of food, § 28-81; authority of city to regulate meat, § 14.121 et seq.

Sec. 9-16. Definitions.

Food-handling facility means any structure, vehicle, device or place, or part thereof, where foods or beverages for direct human consumption without the necessity of prior cooking are prepared, or perishable or unpackaged foods or beverages are kept. Further, such foods or beverages must be offered for sale or delivery to the general public, or provided for a fee to a resident population. Such use may be either continuous or temporary.

State licensed food-handling facility means any food-handling facility having a license requiring an inspection for safe and sanitary conditions pursuant to state statute or regulation and usually administered by county departments of health.

Health officer means the director of the Midland City-County Health Department and his authorized staff.

(Ord. No. 886, § 2, 5-10-76)

Sec. 9-17. Application of article to food manufacturers.

The provisions of this article regarding licensing and scoring of food-handling facilities shall not apply to manufacturers of food, where such food is not handled by human hands, and is prepared and packed by

machinery.

(Ord. No. 886, § 2, 5-10-76; Ord. No. 1011, § 1, 2-8-82)

Sec. 9-18. Powers of health officer.

The health officer shall have authority to carry out the provisions of this article.

(Ord. No. 886, § 2, 5-10-76)

Sec. 9-19. Business license.

Every person, before engaging in the operation of a food-handling facility within the city limits, except a state licensed food-handling facility, shall make application to the city clerk for a license, pursuant to the provisions of Chapter 15 of the Code of Ordinances. The application blank shall be sent to the city health officer, who shall inspect the applicant's place of business. If, upon inspection, the health officer approves the place of business, food-handling methods, and general sanitation requirements, the city clerk may issue a business license upon the payment of the food license fee required by section 21-36 of Chapter 21 of the Code of Ordinances.

(Ord. No. 886, § 2, 5-10-76)

Sec. 9-20. Suspension, revocation of license.

The health officer may suspend or revoke any food-handling facility license for failure of the licensee to comply with any of the requirements of this article.

(Ord. No. 886, § 2, 5-10-76)

Sec. 9-21. Score card for sanitary rating.

The health officer shall have the authority to formulate a score card for rating food-handling facilities as to the sanitary conditions existing at such a facility.

(Ord. No. 886, § 2, 5-10-76)

Sec. 9-22. Health officer empowered to enter for inspection.

The health officer shall have the power and right to enter upon and inspect the premises of each food-handling facility licensed under this article at all reasonable times. Each application for a license under this article shall constitute a consent to such entry and inspection by the licensee.

(Ord. No. 886, § 2, 5-10-76)

Sec. 9-23. Reinspection of licensed establishments.

A reinspection of any food-handling facility licensed under this article having had its license suspended or desiring to raise the score or rating shall be made by the health officer within ten (10) days of the receipt of a written statement from the licensee, stating that the conditions that were found to be at fault on the last inspection have been corrected.

(Ord. No. 886, § 2, 5-10-76)

Secs. 9-24--9-26. Reserved.

Editors Note: Section 2 of Ord. No. 1011, enacted Feb. 8, 1982, repealed former §§ 9-24--9-26, which pertained to food handlers' permit cards and derived from Ord. No. 886, § 2, enacted May 10, 1976.

Sec. 9-27. Health officer may require physical examination.

When required by the health officer, any food peddler or the manager or owner of a food-handling facility or the employees of such manager or owner, shall submit to a physical examination to determine freedom from communicable diseases.

(Ord. No. 886, § 2, 5-10-76)

Sec. 9-28. Condemning, seizing food or drink; samples; destruction.

The health officer is empowered to seize, condemn or exclude from sale, delivery or distribution in the city any spoiled, contaminated, adulterated food or drink or any food or drink unfit for human consumption, or any food or drink which has been exposed to dust, flies, or vermin in violation of the terms of this article. The health officer is empowered to destroy or denaturize all food or drink condemned as unfit for human consumption and to issue an order or statement to the owner of such food or drink stating the reason therefore, and if done in good faith, such officer shall not be held for any damages, arising therefrom. Any food-handling facility licensed under this article shall, upon request, furnish free of charge a sample of food or drink, or meat, meat food product, fish, poultry or any material used in the preparation of these meats or foods, of sufficient quantity for examination or testing purposes.

(Ord. No. 886, § 2, 5-10-76)

Sec. 9-29. Sanitation requirements generally.

Except as otherwise specifically defined or described in this article, the provisions of the unabridged grading form of the 1962 Edition of the "United States Public Health Service Food Service Sanitation Ordinance and Code" are hereby adopted and incorporated herein by this reference. Rules and regulations contained in said code having application to food-service establishments shall apply to food-handling facilities. The applicable provisions of this code shall form the basis of the inspections and requirements cited in this article. Nothing in this section shall exempt the license applicant or holder from any other article or regulatory requirement of the city.

(Ord. No. 886, § 2, 5-10-76)

Sec. 9-30. Plan review of future construction.

When a food-handling facility is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food-handling facility, properly prepared plans and specifications for such construction, remodeling or alteration showing layout, arrangement, and finish materials of work areas, and the location, size, and type of fixed equipment and facilities shall be submitted to the health authority for approval before such work is begun.

(Ord. No. 886, § 2, 5-10-76)

Sec. 9-31. When displayed meat is to be refrigerated.

No meat, meat food products, or any cut or chopped meats, shall be displayed or exhibited from any

market except under properly enclosed refrigeration, with the exception of dried sausages, dried meats, canned meats, smoked and covered hams and bacons or other smoked meats.
(Ord. No. 886, § 2, 5-10-76)

Sec. 9-32. Refrigeration standards.

All fresh meat products, including fish and poultry, that are required to be kept under refrigeration shall be stored in a refrigerator lined with an impervious material and shall be properly connected to a sewer or provided with another approved method of drainage. The temperature of the refrigerator or refrigerated showcase shall not exceed forty-five (45) degrees Fahrenheit at any time. such owner or manager of a food-handling facility offering meat products requiring refrigeration shall provide such thermometers as may be necessary to indicate the temperature of any meat storage.
(Ord. No. 886, § 2, 5-10-76)

Sec. 9-33. Only inspected meat and meat products to be sold.

No person shall sell within the city or offer for sale, any fresh red meat, poultry, rabbit or such meat food product, for human consumption which has not been slaughtered in facilities inspected and passed by inspectors of either the United States Government, the State of Michigan or by the health officer.
(Ord. No. 886, § 2, 5-10-76)

Sec. 9-34. Bacterial counts.

The standard plate count of milk and milk products, except buttermilk, cultured buttermilk and sour cream, shall not exceed thirty thousand (30,000) per milliliter after pasteurization.
(Ord. No. 886, § 2, 5-10-76)

Sec. 9-35. Storage, delivery temperature.

All milk and milk products shall be stored and maintained at a temperature of forty (40) degrees Fahrenheit or lower, and delivered at a temperature not higher than fifty (50) degrees Fahrenheit.
(Ord. No. 886, § 2, 5-10-76)